

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH SHEGOG,)	
Plaintiff,)	
)	C.A. No. 21-357 Erie
v.)	
)	
OFFICER GRINELL, et al.,)	District Judge Susan Paradise Baxter
Defendants.)	Magistrate Judge Richard A. Lanzillo

MEMORANDUM ORDER

Plaintiff Joseph Shegog, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania (“SCI-Albion”), initiated this *pro se* civil rights action on December 23, 2021, against the following staff members at SCI-Albion: Officer Grinell, Jennifer Mooney, Jennifer DePlatchett, Ms. Shrader, and Ms. Giles. The case was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. This matter was subsequently assigned to the undersigned, as presiding judge, on April 25, 2022, with Judge Lanzillo remaining as the referred Magistrate Judge for all pretrial proceedings.

In his *pro se* complaint, Plaintiff claims that he was terminated from his prison job in violation of his rights under the first and eighth amendments to the United States Constitution. In particular, Plaintiff claims that his termination was in retaliation for his filing of a grievance against Defendant Mooney and for voicing his concerns to others in the workplace. On November 15, 2022, Defendants filed a motion for summary judgment [ECF No. 45], to which

Plaintiff filed a brief and declaration in opposition [ECF Nos. 59, 61].

On March 24, 2023, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendant's motion for summary judgment be granted [ECF No. 63]. Plaintiff filed timely objections to the R&R [ECF No. 66] along with a supporting memorandum of law [ECF No. 67], which primarily challenge the Magistrate Judge's findings in connection with his recommendation that judgment be granted in favor of Defendant Grinnell on Plaintiff's retaliation claim. In this regard, the R&R concludes that the record evidence does not establish the requisite causal link between Plaintiff's grievance against Defendant Mooney and Defendant Grinnell's allegedly retaliatory actions.

In particular, Judge Lanzillo determined the record evidence establishes that: (i) Defendant Grinnell did not have the authority to suspend and/or fire Plaintiff from his prison job and, thus, could not have taken the adverse action alleged by Plaintiff; (ii) the time period between Plaintiff's grievance and Defendant Grinnell's alleged actions was too attenuated to constitute "unusually suggestive temporal proximity;" and (iii) the grievance at issue was filed against Defendant Mooney, not Defendant Grinnell; thus, no causal link is evident between the protected activity (against one Defendant) and the allegedly retaliatory action (of another). Plaintiff objects to these findings, arguing that Judge Lanzillo has provided his own personal interpretation of evidence in favor of Defendants, has incorrectly stated the facts, and has wrongly determined that there was no causal connection between Plaintiff's protected activity and the allegedly retaliatory action. However, Plaintiff's piecemeal objections fail to overcome the well-reasoned conclusions of the Magistrate Judge, which are well supported by the record before the Court.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 21st day of July, 2023;

IT IS HEREBY ORDERED that Defendants' motion for summary judgment [ECF No. 45] is GRANTED, and judgment is entered in favor of Defendants and against Plaintiff on all claims in this case. The report and recommendation of Magistrate Judge Lanzillo, issued March 24, 2023 [ECF No. 63] is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge